UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/893,749	06/29/2001	Douglas K. Wyatt	7895.0027	3336

63170   7590   03/22/2007
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EXAMINER
WOOD, WILLIAM H

ART UNIT	PAPER NUMBER
2193	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/22/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

PTOL-90A (Rev. 10/06)

	Application No.	Applicant(s)
Office Action Summary	09/893,749	WYATT ET AL.
	Examiner	Art Unit
	William H. Wood	2193

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>03 January 2007</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>25-43</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>25-43</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>1/3/07</u>.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Claims 25-43 are pending and have been examined.

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in

this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2.   Claim 25-43 are rejected under 35 U.S.C. 102(e) as being anticipated by

Balasubramaniam et al. (USPN 6,477,550).

Claim 25

Balasubramaniam disclosed a method in a client of launching a software

component, the client having an execution environment, the method

comprising:

receiving from a user a request to launch the software component

(column 5, lines 60-61; column 6, lines 1-2);

sending to a server a request to launch the software component *(column*

5, lines 60-61);

in response to sending the request, receiving from the server a launch

page that includes code to determine whether the software component can

successfully execute in the execution environment of the client, to determine

parameters of the execution environment of the client, and to request

downloading of the software component configured based on the determined

parameters *(column 6, lines 47-51)*; and

under control of the code of the received launch page,

determining whether the software component can successfully

execute in the execution environment of the client *(column 6, lines 47-51)*;

when it is determined that the software component cannot

successfully execute in the execution environment of the client, reporting an

error to the user *(column 6, lines 47-51)*;

when it is determined that the software component can

successfully execute in the execution environment of the client *(column 6, lines*

47-51),

determining parameters of the execution environment of the

client *(column 6, lines 47-51);*

sending to the server a request to download the software

component, the request indicating the determined parameters *(column 6, lines*

47-51);

receiving from the server the software component configured

according to the determined parameters *(column 6, lines 47-51);* and

launching execution of the software component *(column 6, lines 62-*

65).

Claim 26

Balasubramaniam disclosed the method of claim 25 wherein the determining

of whether the software component can successfully execute in the execution

environment of the client includes determining whether a certain scripting

language is supported *(figure 3, line 10, "SCRITP LANGUAGE="JavaScript"").*

Claim 27

Balasubramaniam disclosed the method of claim 25 wherein the determining

of whether the software component can successfully execute in the execution

environment of the client includes determining whether the software

component can be downloaded from the server *(column 6, lines 55-59)*.

Claim 28

Balasubramaniam disclosed the method of claim 27 wherein the determining

of whether the software component can be downloaded includes attempting to

download from the server a test component *(column 6, lines 55-59)*.

Claim 29

Balasubramaniam disclosed the method of claim 25 wherein the determining

of whether the software component can successfully execute in the execution

environment of the client includes determining whether a browser is enabled to

execute code in a certain language *(figure 3, line 10, "SCRITP*

LANGUAGE="JavaScript"").

Claim 30

Balasubramaniam disclosed the method of claim 25 including when it is

determined that the software component can successfully execute in the

execution environment of the client, establishing a connection between the

client and the server *(column 6, lines 47-51, then it is downloaded)*.

Claim 31

Balasubramaniam disclosed the method of claim 25 including after sending to the server a request to download the software component, receiving from the server application content *(column 6, lines 47-51)*.

Claim 32

Balasubramaniam disclosed the method of claim 25 including after receiving from the server the software component configured according to the determined parameters, executing code to detect changes in a parameter of the execution environment of the client and when a change is detected, notifying the server of the change to the parameter so that the server can effect the re-configuring of the software component *(column 6, lines 52-54, component now updated and maintained whenever visiting server)*.

Claim 33

Balasubramaniam disclosed the method of claim 25 wherein a parameter of the execution environment of the claim indicates whether a browser has certain plug-ins *(column 6, lines 15-37)*.

Claim 34

Balasubramaniam disclosed the method of claim 25 wherein a parameter of

the execution environment of the client relates to a security policy of the client

(column 6, lines 4-6, browser detection indicates security of that type of browser).

Claim 35

Balasubramaniam disclosed the method of claim 25 wherein a parameter of

the execution environment of the client relates to a hardware configuration of

the client *(column 6, lines 4-6, browser detection indicates hardware*

configuration able to support such a browser).

Claims 36-43

The limitations of claims 36-43 correspond to the limitations of claims 25-32

and are rejected in the same manner.

Response to Arguments

3.   Applicant's arguments filed 03 January 2007 have been fully considered

but they are not persuasive. Applicant argues **Balasubramaniam** does not

disclose determining parameters of the execution environment of the client and

configuring the software component according to the determined parameters.

The cited prior art demonstrates parameters going from the client

computer to the server in the form filled out (column 6, line 48). These

parameters all of the downloading of the component, thus the component is

configured according to them. The rejections are maintained.
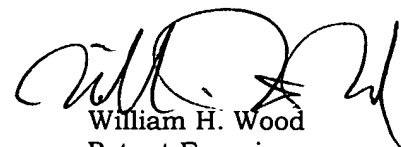
Correspondence Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William H. Wood whose telephone number is (571)-272-3736. The examiner can normally be reached 10:00am - 4:00pm Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571)-272-3756. The fax phone numbers for the organization where this application or proceeding is assigned are (571)273-8300 for regular communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained form either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR systems, see http://pair-direct.uspto.gov. For questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

William H. Wood
Patent Examiner
AU 2193
March 19, 2007